IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Bail Appl..No. 5078 of 2007()

CMP.3065/2007 of J.M.F.C.-I, ALUVA
CRIME NO.1099/2006 OF ALUVA POLICE STATION

.....

PETITIONER

SUDHEER @ AKKU, AGED 27 YEARS,
S/O ABDUL RAHMAN, C/O ASHRAF,
NEAR SOCIETY, KOMBARA JUNCTION, NOCHIMA,
ALUVA.

BY ADV. SRI.RAJESH VIJAYAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5078 of 2007

Dated this the 21st day of August 2007

O R D E R

Application for regular bail. The petitioner is the sixth accused. He, along with the co-accused, faces allegations inter alia under Section 395 I.P.C. The crux of the allegations is that in furtherance of prior concert, accused 1 to 3 came in a motor cycle at the scene of the occurrence. One of them stopped the two wheeler in which the de facto complainant was proceeding after closing his shop carrying substantial amount of cash and gold ornaments and robbed all the gold and cash. Accused 4,5 and 6 were allegedly present at the scene of the crime in a car. After prior concert of all the accused the offence was allegedly committed by accused 1 to 3. There is a further allegation that the motor cycle involved was removed by this petitioner after the occurrence. Allegedly, recovery has also been effected from the petitioner after his arrest on 23/7/2007.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He prays that the petitioner may now be enlarged on bail.

3. The learned Public Prosecutor opposes the application and in the circumstances of this case, I find merit in the opposition by the learned Public Prosecutor. Another bail application of the co-accused has also dismissed by me, as per order in B.A.No.5069/2007 dated 21/8/2007. I am satisfied that the petitioner herein does not also deserve to be enlarged on bail.

4. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 04/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007